

showing a balance in his hand due the estate of \$7425 48½, and on the 27th of February, 1816, the said court passed the following order:

“Ordered by the court, that Benjamin Ogle, administrator with the will annexed, of Henry Margaret Ogle, pay over and deliver unto John Addison, the guardian of the minor children of George and Mary Bevans, the property in his hands to which said children are entitled under the will of said Henry Margaret Ogle, and take said guardian's receipts for the same, agreeably to law.”

On the same day, acting under the authority of this order, the said Benjamin, as executor, delivered to the said guardian, various articles which were specifically bequeathed to the children, \$150 in money, and sundry bonds or notes taken for the property sold, to the amount of \$5929 20, and took his receipt therefor.

On the 15th of September, 1815, Benjamin Ogle, as next friend of the above mentioned four infant children of Mrs. Bevans, filed a petition in Chancery, suggesting that all the trustees named in the will of their grandmother had declined the trusts confided to them, and praying that he might be appointed trustee to sell the real estate of the deceased, agreeably to the spirit and intention of her aforesaid will. A copy of the will was exhibited with this petition, and on the same day the Chancellor, (*Kilty*,) after stating that he had read and considered the petition and the will accompanying it, passed a decree “that the real, personal and mixed estate, whereof Henry Margaret Ogle, died seized, and which by her will was directed and authorized to be sold, be accordingly sold.” The decree then appointed Benjamin Ogle trustee to make the sale, prescribed the terms thereof, and directed the trustee to “bring into this court the bonds taken on the sale, together with the purchase money arising from the said sale, to be applied under the Chancellor's direction according to the will.”

The trustee gave bond as such, and on the 23d of October, 1815, reported a sale of part of the real estate for \$6760, cash, and on the 15th of November following, he made a further re-